

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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PAUL A. LEVINE, *Chapter 7 Trustee*,

Plaintiff,

vs.

Civil Action No.  
6:07-CV-837 (DNH/DEP)

REXEL, INC.,

Defendants.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

LEMERY, GREISLER LAW FIRM  
50 Beaver Street  
2<sup>nd</sup> Floor  
Albany, New York 12207

PAUL A. LEVINE, ESQ.  
SCOTT R. ALMAS, ESQ.

FOR DEFENDANT REXEL, INC.:

LOOPER, REED LAW FIRM  
1300 Post Oak Boulevard  
Suite 2000  
Houston, Texas 77056

BEN L. ADERHOLT, ESQ.

STEIN, RISO LAW FIRM  
The Chrysler Building - 42<sup>nd</sup> Floor  
405 Lexington Avenue  
New York, New York 10174

MARK I. CHINITZ, ESQ.

FOR DEFENDANT WESCO:

SCOLARO, SHULMAN LAW FIRM  
507 Plum Street  
Suite 300  
Syracuse, New York 13204

DOUGLAS J. MAHR, ESQ.

DAVID N. HURD  
U.S. DISTRICT JUDGE

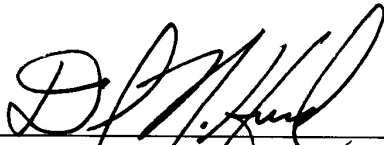
JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

I have been informed by Magistrate Judge David E. Peebles that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

  
United States District Judge

Dated: January 17, 2008  
Utica, New York